(175)

HIGH COURT OF CHHATTISGARH AT BILASPUR

(Division Bench)

Coram: Hon'ble Shri Jagdish Bhalla, Ag.C.J. &
Hon'ble Shri Satish K. Agnihotri, J.

Writ Petition (P.I.L.) No. 6162 of 2006

Petitioners
1. Basant Sharma, Aged about 41 years, S/o-late Shri D. L. Sharma, R/o- Jabdapara, Sarkanda, Bilaspur, District Bilaspur (C.G.)
2. Nandram Madawa, Aged about 63 years, S/o- late Shri Lalli Ram Madawa, R/o- Behind Indra Vihar Colony, Bundhwapara, Sarkanda, Bilaspur (C.G.)

Versus

Respondents
1. State of Chhattisgarh, Through the Secretary, Urban Development Ministry, D.K.S. Bhawan, Raipur (C.G.)
2. Municipal Corporation Bilaspur, Through The Commissioner, District Bilaspur (C.G.)
3. Collector, Bilaspur, District Bilaspur (C.G.)
4. Mayor in council, Municipal Corporation Bilaspur, District Bilaspur (C.G.)
5. Sanjay Agrawal, Aged about 40 years, S/o- Shri Shyam Agrawal, R/o- Vidyanagar Near Agrawal Bhawan, Bilaspur, District Bilaspur (C.G.)

WRIT PETITION UNDER ARTICLE 226/227 OF THE CONSTITUTION OF INDIA

Shri Prateek Sharma, Advocate for the petitioners.

Shri U. N. S. Deo, Govt. Advocate for the respondents No. 1 and 3/State.

Shri P. Diwakar, Senior Advocate with Shri Ashutosh Singh Kachwaha, Advocate for the respondents No. 2 and 4.

Shri Mateen Siddque, Advocate for the respondent No.5.

176

ORAL ORDER

(Passed on this 24th day of October, 2007)

The following oral order of the Court is passed by **Hon'ble Shri Jagdish Bhalla, Acting C.J.**

The petitioners have availed remedy by making representation (Annexure P/9) to the State Government. It is mandatory upon the State Government to consider and decide the matter in the light of the provisions of Section 421 of the Chhattisgarh Municipal Corporation Act, 1956.

Accordingly the interest of justice will suffice if the State Government consider and decide the matter in accordance with law. However, the counsel for the petitioner submits that the petitioners would like to make a fresh representation because still certain points which were not included in the representation (Annexure P/9) are to be raised. We do not find any reason not to allow the petitioners to make a fresh representation. Accordingly, the petitioners may make a fresh representation within a period of 15 days from today.

Thereafter the State Government shall consider and decide the same by passing a speaking order, expeditiously, preferably within a period of three months from the date of receipt of the representation, after affording opportunity to the Municipal Corporation, Bilaspur to put forward its case.

With the above observation this writ petition is disposed of.

177

It is clarified that it would be open to the petitioners to file fresh petition if they are aggrieved by the decision of the State Government on their representation.

The oral prayer has been made on behalf of the petitioners that the amount of Rs. 5000/- deposited as 'security deposit' be returned. We do not find any ground for the reason that the petitioner himself has already approached the State Government, therefore, there was no question of filing this writ petition. It appears that due to the reasons known to the petitioners, without waiting to the order of the State Government, the petitioners have approached this Court. If the petitioners had grievance that the State Government is not deciding the matter, they could have only filed a writ petition praying for a direction to the State Government to decide their representation. The same was not done and this petition has been filed. Therefore, the prayer for refund of security deposit is rejected.

Sd/-
Ag. Chief Justice

Sd/-
Satish K. Agnihotri
Judge

Thakur